

REMARKS

Upon entry of the present amendment, a new title will have been submitted for entry into the present application and claims 1 and 8 will have been amended to more clearly recite the features of the present invention. Such amendment to the independent claims is not made in view of the prior art but rather is made so as to enable the claim language to more clearly emphasize the features of the present invention, which distinguish over the disclosures of the references relied upon by the Examiner. Accordingly, no prosecution history estoppel should attach to these amendments.

Initially, Applicants respectfully thank the Examiner for explicitly indicating her consideration of the Information Disclosure Statement filed in the present application on June 24, 2008 by the return of an appropriately annotated copy of the PTO 1449 form attached thereto. Additionally, Applicants respectfully thank the Examiner for forwarding a new copy of the PTO 1449 Form attached to the Information Disclosure Statement filed on December 7, 2006 in which all the documents listed thereon have been initialed to indicate their consideration.

In the outstanding Official Action, the Examiner asserted that the new title of the application was still not descriptive. The Examiner required submission of a new title that is clearly indicative of the invention to which the claims are directed.

By the present response, Applicants are submitting a new title which clearly indicates the invention to which the claims are directed. In this regard, Applicants respectfully thank the Examiner for her clarifying comments and for her assistance in this matter during a brief telephone conversation. Accordingly, in view of the newly submitted title, Applicants

respectfully request withdrawal of the objection to the title of the invention and entry of the herein submitted title into the present application.

In the outstanding Official Action, the Examiner rejected claims 1, 2, 4, and 8 through 10 under 35 USC 103(a) as being unpatentable over KOU et al. (JP 2002 -- 081074) in view of SAMESHIMA et al. Applicants respectfully traverse the above noted rejection and submit that it is inappropriate. Applicants respectfully submit that the disclosures of each of the above noted two references, either individually or in any proper combination, do not disclose, teach, suggest, or even render obvious the combination of features recited in Applicants' claims. Thus, Applicants respectfully traverse the above noted rejection.

The Examiner indicated claims 3, 5, 7, and 11 through 14 are objected to for being dependent upon a rejected base claim. However, the Examiner indicated that these claims would be allowable if rewritten into independent form, including all of the limitations of the base claim and any intervening claims.

While Applicants accept the Examiner's indication of allowable subject matter in the above noted claims with appreciation and with obvious acquiescence, because Applicants submit that each of the claims pending the present application is clearly patentable over the references of record herein, Applicants respectfully decline to rewrite any of these claims into independent form at the present time. Nevertheless, the Examiner's indication is much appreciated.

As noted above, Applicants respectfully traverse the above noted rejection and submit that it is inappropriate and improper. In particular, Applicants respectfully submit that neither of the references cited by the Examiner, nor any proper combination of the references cited by the Examiner, have disclosures that are adequate or sufficient to render obvious the combination of features recited in each of Applicants' claims.

Applicants' invention is directed to a fixing apparatus and to an image forming apparatus. Utilizing the fixing apparatus recited in claim 1 as a nonlimiting example of Applicants' invention, the present application is directed to a fixing apparatus which includes a heat producing element that performs heat fixing of an unfixed image on a recording medium, a heating section that is provided with power and that heats the heat producing element and a power supply that receives an instruction from a control circuit located externally of the fixing apparatus and provides power to the heating section. A first detecting section detects a state of the heat producing element heated by the heating section, and a power suppression section that, when the first detecting section detects a state in which a condition for not performing heat fixing for the heat producing element has been satisfied, suppresses providing the power from the power supply to the heating section regardless of a content of the instruction. A second detecting section detects a state of the providing of the power to the heating section. When the first detecting section detects the state in which the condition for not performing heat fixing for the heat producing element has been satisfied, if there is a state in which the providing of the power from the power supply to the heating section is suppressed, despite the power supply receiving the instruction for providing the power from the control circuit, the second detecting section detects the state and outputs a result of the detection to the control circuit located externally of the fixing apparatus.

Is respectfully submitted that the combination of features recited in Applicants' claims are not disclosed or rendered obvious by any proper combination of the references relied upon by the Examiner in the outstanding Official Action.

In particular, in setting forth the rejection, the Examiner appears to take the position that KOU et al. discloses all of the recited features and relies upon SAMESHIMA et al. for teaching a

rotating heating element. However, Applicants respectfully submit that KOU et al. does not disclose the combination of recited features.

In this regard, Applicants initially note that the Examiner has not set forth any particular features or components of KOU et al. that he considers (i.e. maps) onto the recited features of Applicants claims, or onto the operational features and the recited interrelationships therebetween. Moreover, it is respectfully submitted that no such mapping is possible because the recited features are not disclosed by KOU et al.

In particular, according to the teachings of KOU et al., as reflected in the English-language abstract, the transfer material, on which an unfixed toner picture is provided, is caused to adhere to the heating body 1 due to the fixed film moving at the same speed as a carrying speed of the transfer material. The heating body 1 is provided with power from a power source 3, and a temperature control circuit 4 controls the temperature of the heating body 1 by the operation of a second switch 6, while a first switch 5 is normally in the ON position. Upon receiving a signal from a fixed film stop detecting means 7, a fixed film stop judging circuit 8 determines that the fixed film is stopped and the circuit 8 outputs an OFF signal to the first switch 5 and stops energization of the heating body 1. Accordingly, damage of the fixed film and smoking of the transfer material are prevented.

According to the recited features of Applicants' invention, under certain circumstances, a supply of power to the heating section is stopped or suppressed. Additionally, the first detection section detects the state of the heating element and a second detection section detects the state of the supply of power to the heating section. In other words, and merely as a nonlimiting example, the first detection section can be configured to detect rotation of the heating element while the second detection section can be configured to detect the voltage or current supplied to the

heating section. Further, the second detection section outputs the detection result to a control circuit that is located externally of the fixing apparatus. Additionally, under certain circumstances, a detection result, indicating that a supply of power to the heating section is stopped or suppressed is output from the second detection section to the control circuit which is located externally of the fixing apparatus.

These features, in the claimed combinations, and as recited in the language of the claims, are not disclosed by either of the references relied upon by the Examiner. KOU et al appears to merely disclose the provision of a temperature detecting unit for stopping the supply of power to a heating body. However, this is clearly not all that is recited by the recitations of Applicants' pending claims. In particular, at least a second detection section as recited and that outputs a result of the detection of a supply of power to the heating section, to an external control circuit is not disclosed. Accordingly, Applicants claims are clearly patentable over the combination of KOU et al. and SAMISHIMA et al.

In responding to Applicants' arguments as set forth in the response filed on September 29, 2008, the Examiner took the position, in the paragraph bridging pages 4 and 5 of the outstanding Official Action, that the second detecting section receives the instruction for providing power. However, as can clearly be seen from the recitations of Applicants claims, the Examiner's understanding is incorrect. In particular, the second detecting section detects a state of the providing of the power to the heating section. In other words, the second detecting section detects whether or not power is supplied or provided to the heating section. In contrast, and as also explicitly recited in Applicants' claims, the power supply provides the power to the heating section.

In the same section, the Examiner asserted that the second detecting section "just receives instruction about the power supply and about the status of the fixing device but has no other function". As can clearly be seen by reference to explicit recitations of Applicants' claims, this assertion is also incorrect. In particular, and as noted above, the second detecting section detects a state of the providing of power to the heating section. Additionally, the second detecting section outputs a result of the detection (of a state of the providing of the power to the heating section) to the control circuit, which is located externally of the fixing apparatus.

As noted above, in the outstanding Official Action, the Examiner did not assert that SAMESHIMA et al discloses any of the above noted features. The Examiner merely asserted that SAMESHIMA et al. discloses a rotating heating element. Accordingly, it is inherent that SAMESHIMA et al. cannot overcome or supply the above noted deficiencies and shortcomings of the primary KOU et al. reference relied upon by the Examiner. Thus, the combination proposed by the Examiner is clearly inadequate and sufficient to render unpatentable the combination of features recited in Applicants' claims. At least based upon the above noted reasons, an action indicating the allowability of all the claims in the present application is respectfully requested that is now believed the appropriate and proper.

SUMMARY AND CONCLUSION

Applicants submit that they have made a sincere effort to place the present application into condition for allowance and believe that they have now done so. Applicants have submitted a new title. Applicants have also amended the independent claims but merely in order to more clearly emphasize features of Applicants' invention. However, the above noted amendments have not been made in view of the prior art and are not intended to narrow the scope of the claims.

Applicants have discussed the disclosure of the references relied upon and noted the shortcomings thereof with respect to the features of Applicants' invention. Applicants have additionally discussed the explicit recitations of Applicants' invention, as recited in the claims, and with respect to such recitations have pointed out the deficiencies of the combination of references asserted thereagainst. Accordingly, Applicants have provided a clear evidentiary basis supporting the patentability of all the claims pending in the present application and respectfully request an indication to such effect in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,
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